

fourteen (14) days after issuance of that Order. As a result of the CMC, and pursuant to Rule 16, Federal Rules of Civil Procedure, the Court **ORDERS** that the following schedule will govern deadlines up to and including the trial of this matter:

Deadline	Item
June 28, 2021	Case Readiness Status Report Filed
7 days before CMC July 6, 2021	Plaintiff serves preliminary ¹ infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e. the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
14 days after CRSR July 12, 2021	Case Management Conference.
2 weeks after CMC July 26, 2021	The Parties shall submit an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of each Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
7 weeks after CMC August 30, 2021	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
9 weeks after CMC September 13, 2021	Parties exchange claim terms for construction.

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

Deadline	Item
11 weeks after CMC September 27, 2021	Parties exchange proposed claim constructions.
12 weeks after CMC October 4, 2021	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. ² With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
13 weeks after CMC October 11, 2021	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
14 weeks after CMC October 18, 2021	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
17 weeks after CMC November 8, 2021	Plaintiff files Responsive claim construction brief.
19 weeks after CMC November 22, 2021	Defendant files Reply claim construction brief.
21 weeks after CMC December 6, 2021	Plaintiff files a Sur-Reply claim construction brief.
3 business days after submission of sur-reply December 9, 2021	Parties submit Joint Claim Construction Statement. <i>See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).</i>
22 weeks after CMC (but at least 10 days before <i>Markman</i> hearing) December 10, 2021	Parties submit optional technical tutorials to the Court and technical adviser (if appointed). ³
23 weeks after CMC (or as soon as practicable) December 20, 2021	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.

² Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

³ The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

Deadline	Item
1 business day after <i>Markman</i> hearing (pushed due to the Winter Holiday) January 4, 2022	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
6 weeks after <i>Markman</i> hearing February 14, 2022	Deadline to add parties.
8 weeks after <i>Markman</i> hearing February 28, 2022	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
16 weeks after <i>Markman</i> hearing April 25, 2022	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
26 weeks after <i>Markman</i> hearing July 5, 2022	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
30 weeks after <i>Markman</i> hearing August 1, 2022	Close of Fact Discovery.
31 weeks after <i>Markman</i> hearing August 8, 2022	Opening Expert Reports.
35 weeks after <i>Markman</i> hearing September 8, 2022	Rebuttal Expert Reports.
38 weeks after <i>Markman</i> hearing September 26, 2022	Close of Expert Discovery.

Deadline	Item
39 weeks after <i>Markman</i> hearing October 3, 2022	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
40 weeks after <i>Markman</i> hearing October 10, 2022	Dispositive motion deadline and <i>Daubert</i> motion deadline. <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
42 weeks after <i>Markman</i> hearing October 24, 2022	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
44 weeks after <i>Markman</i> hearing November 7, 2022	Serve objections to pretrial disclosures/rebuttal disclosures.
45 weeks after <i>Markman</i> hearing November 14, 2022	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
46 weeks after <i>Markman</i> hearing November 21, 2022	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
47 weeks after <i>Markman</i> hearing November 28, 2022	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com . Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
3 business days before Final Pretrial Conference. Est. Dec. 7, 2022	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
49 weeks after <i>Markman</i> hearing (or as soon as practicable) Est. Dec. 12, 2022	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.

Deadline	Item
52 weeks after <i>Markman</i> hearing (or as soon as practicable) ⁴ Est. Jan. 3, 2022	Jury Selection/Trial. The Court expects to set these dates at the conclusion of the <i>Markman</i> Hearing

SIGNED this _____ day of _____ 2021.

THE HONORABLE ALAN D. ALRIGHT
U.S. DISTRICT COURT JUDGE

AGREED:

By: /s/ Eric H. Findlay
Eric H. Findlay
Texas Bar No. 00789886
Roger Brian Craft
Texas Bar No. 04972020
FINDLAY CRAFT P.C.
102 N. College Avenue, Suite 900
Tyler, TX 75702
Telephone: (903) 534-1100
Facsimile: (903) 534-1137
Email: efindlay@findlaycraft.com
Email: bcraft@findlaycraft.com

Barry J. Herman (*pro hac vice* to be filed)
Maryland Federal Bar No. 26061
WOMBLE BOND DICKINSON (US) LLP
100 Light St, 26th Floor
Baltimore, MD 21202
Telephone: (410) 545-5830
Email: Barry.Herman@wbd-us.com

Preston H. Heard (*pro hac vice* to be filed)
Georgia Bar No. 476319
Lauren Baker (*pro hac vice* to be filed)

By: /s/ Amir Alavi
Amir Alavi State Bar No.: 00793239
Todd Mensing State Bar No.: 24013156
Michael McBride State Bar No.: 24065700
Colin Phillips (Application for Attorney Admission Pending) State Bar No.: 24105937
Joshua Wyde State Bar No.: 24060858
Steven Jugle (Application for Attorney Admission Pending) State Bar No. 24083280
AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI & MENSING, P.C.
1221 McKinney Street, Suite 2500 Houston, Texas 77010 (713) 655-1101
aalavi@azalaw.com
tmensing@azalaw.com
mmcbride@azalaw.com
cphillips@azalaw.com
jwyde@azalaw.com
sjuggle@azalaw.com

**ATTORNEYS FOR DEFENDANTS
YELLOW JACKET OIL TOOLS, LLC,
AND G&H DIVERSIFIED
MANUFACTURING, LP**

⁴ If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-Markman that are consistent with the Court's default deadlines in light of the actual trial date.

Georgia Bar No. 345536
WOMBLE BOND DICKINSON (US) LLP
271 17th Street, NW, Suite 2400
Atlanta, GA 30363
Telephone: (404) 888-7366
Email: Preston.Heard@wbd-us.com
Email: Lauren.Baker@wbd-us.com

Lisa J. Moyles (*pro hac vice* to be filed)
Connecticut State Bar No. 425652
Jason M. Rockman (*pro hac vice* to be filed)
New York Bar No. 4450953
MOYLES IP, LLC
One Enterprise Drive, Suite 428
Shelton, CT 06484
Telephone: (203) 428-4420
Email: lmoyles@moylesip.com
Email: jrockman@moylesip.com

***Counsel for Defendants DynaEnergetics
Europe GmbH and DynaEnergetics US, Inc.***

/s/ Amir H. Alavi
Amir Alavi
State Bar No. 00793239
Michael McBride
State Bar No.: 24065700
AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI
& MENSING, P.C.
1221 McKinney Street, Suite 2500
Houston, Texas 77010
(713) 655-1101
aalavi@azalaw.com
mmcbride@azalaw.com

***ATTORNEYS FOR DEFENDANT
NEXTIER COMPLETION
SOLUTIONS, INC.***

/s/ Aimee P. Fagan
Aimee Perilloux Fagan, Lead Counsel
Texas State Bar No. 24010299
afagan@sidley.com
Phillip M. Aurentz
Texas State Bar No. 24059404
paurentz@sidley.com
Erik B. Fountain
Texas State Bar No. 24097701
efountain@sidley.com
SIDLEY AUSTIN LLP
2021 McKinney Avenue, Suite 2000
Dallas, Texas 75201
Telephone: (214) 981-3300
Facsimile: (214) 981-3400

***ATTORNEYS FOR DEFENDANTS GR
ENERGY SERVICES OPERATING GP
LLC; GR ENERGY SERVICES
MANAGEMENT, LP; and GR ENERGY
SERVICES, LLC***

/s/ Carrie A. Bader
Carrie A. Bader (*pro hac vice*)
Megan J. Redmond (*pro hac vice*)
ERISE IP, P.A.
7015 College Blvd, Suite 700
Overland Park, KS 66211
Email: megan.redmond@eriseip.com

Email: carrie.bader@eriseip.com
Telephone: (913) 777-5600
Facsimile: (913) 777-5601
Melissa Smith
GILLAM & SMITH, LLP
Texas Bar No. 24001351
303 South Washington Avenue
Marshall, TX 75670
Email: melissa@gillamsmithlaw.com
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

***ATTORNEYS FOR DEFENDANT PERFX
WIRELINE SERVICES, LLC***

/s/ Bryan P. Clark
Kent E. Baldauf, Jr. (PA ID No. 70793)
Bryan P. Clark (PA ID No. 205708)
The Webb Law Firm
One Gateway Center
420 Ft. Duquesne Blvd., Suite 1200
Pittsburgh, PA 15222
412.471.8815
412.471.4094 (fax)
kbaldaufjr@webblaw.com
bclark@webblaw.com

Jason R. Grill (TX ID No. 24002185)
STEPTOE & JOHNSON PLLC
17088 Hughes Landing Blvd., Suite 750
The Woodlands, TX 77380
281.203.5700
281.203.5701 (fax)
jason.grill@steptoe-johnson.com

***ATTORNEYS FOR DEFENDANTS
HORIZONTAL WIRELINE SERVICES,
LLC AND ALLIED WIRELINE
SERVICES, LLC***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with notice of the filing of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a) on July 26, 2021.

/s/ Eric H. Findlay
Eric H. Findlay